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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,891	01/21/2004	Charles Martin Link II	C03-0070-000	5445

33190 7590 11/07/2005

CINGULAR WIRELESS LLC
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C/O LINDA GILES, PATENT MANAGER
ATLANTA, GA 30342

EXAMINER

DAGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,891

Applicant(s)

LINK ET AL.

Examiner

Stephen M. D'Agosta

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Bamburak US 5,197,092.

As per **claim 1**, Bamburak teaches a method of forwarding a call directed to a wireless device operational on a wireless network to a destination number comprising (title, abstract, figure 1 and C2, L40-58):

detecting the presence of the wireless device by a base unit, the base unit including a switch having at least two settings (figure 4 step #50 states "Receiving station activation switch closed?", which is used to determine how to route/forward calls and C3, L8-37),

determining the destination number to which the call will be forwarded (figure 4 step #55 teaches obtaining call forwarding number);

creating a data message comprising a call forwarding instruction AND causing a communication between the wireless device and the wireless network wherein the data message is communicated to the wireless network (figure 4 step 62 teaches the

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personal communicator/wireless device provides network with call forwarding number);
and

wherein the determining step is performed by the base unit scanning a memory location in the wireless device to retrieve the destination number based on the switch setting (again, step 62 teaches communications between the wireless device and the base station, which reads on "base unit scanning a memory location in the wireless device to retrieve the destination number based on the switch setting". The primary examiner notes that this "operation" can either be base unit initiated and/or wireless device initiated, ie. there is no difference as to which device initiates the operation and as to if the data is "pushed" or "pulled")

Allowable Subject Matter

Primary Examiner's note: After reviewing the specification and finding a considerable amount of prior art which reads on the claimed limitations, the examiner notes that amending with the following details may place the application in condition for allowance:

1. Specifically claim that there is a wireless link between the wireless base unit and wired phone and that the wireless link is Bluetooth.
2. Specifically claim that the message is an SMS message which is received by an SMSC
3. Specifically claim support for GAIT.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Grimes et al. US 5,428,663
2. Bertocci US 5,933,774
3. Wenk et al. US 6,253,088
4. Urasaka et al. US 5,515,420
5. Gieseke US 2003/0040308
6. Chia et al. US 5,509,052
7. Mooney et al. US 2002/0164979
8. Alperovich et al. US 6,233,448
9. Jackson US 6,275,577
10. Schroter US 6,049,719
11. Jonsson et al. US 5,903,833
12. Joensuu et al. US 5,966,653

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner

